

**EXHIBIT “D”**

**“Deposition Of Eric Prescott”**

**(cited pages only)**

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
NORTHERN DIVISION

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KRISTINE BIGGS JOHNSON,	)	
	)	
Plaintiff,	)	Civil No.
	)	1:14-cv-147
vs.	)	
	)	<b>Deposition of:</b>
DANIEL SCOTT PEAY, a	)	
Morgan County Sheriff's	)	<b><u>ERIC PRESCOTT</u></b>
Sergeant, MORGAN COUNTY, a	)	
Political Subdivision; and	)	
JOHN and JANE DOES 1-10,	)	
	)	
Defendants.	)	

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October 22, 2015  
4:11 p.m.

Location: Sykes McAllister Law Offices  
311 South State Street, Suite 240  
Salt Lake City, UT 84111

Reporter: Teri Hansen Cronenwett  
Certified Realtime Reporter, Registered Merit Reporter

*Johnson v. Peay \* Depo of ERIC PRESCOTT \* 10-22-15*

A P P E A R A N C E S

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1 October 22, 2015

4:11 p.m.

2 P R O C E E D I N G S

3 ERIC PRESCOTT,

4 called as a witness at the instance of the plaintiff,  
5 having been first duly sworn, was examined and testified  
6 as follows:

7 EXAMINATION

8 BY MR. SYKES:

9 Q. Okay. Would you state your, your full name  
10 and your address for the record.

11 A. Like my home address or my --

12 Q. No.

13 A. -- work.

14 Q. Just your, your business. Whatever your  
15 command center is there.

16 A. Corporal Eric Prescott, Utah Highway Patrol,  
17 461 Stewart Avenue, Ogden.

18 Q. Ogden. Okay. You're from Ogden?

19 A. Yeah.

20 Q. Good.

21 A. Ogden, Utah, 84404.

22 Q. Yeah.

23 A. There you go.

24 Q. Yeah. Eric Prescott. That name's familiar to  
25 me.

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1           **MR. SYKES:** It's in codes, okay.

2           **THE WITNESS:** So unless, unless you have the  
3 key to decipher it, that tells you what that box means,  
4 I can't. I can't tell you exactly which code is which.

5           **Q. (By Ms. Kyte)** So if you look on the left-hand  
6 side where it says speed.

7           **A.** Yep.

8           **Q.** Is it fair, where it says posted, it was a 30  
9 miles per hour posted speed?

10          **A.** Yeah, I don't know exactly, but if that's --  
11 if that's what the posted speed limit was. So we try to  
12 find a speed limit sign closest to wherever it happens,  
13 and we'll list that as the posted speed for that road  
14 way.

15          **Q.** And then if it lists -- there's another box  
16 that has 35, and then it has, "EST impact at 15." Would  
17 it be fair to say it was estimated to be at 15 miles per  
18 hour at impact?

19          **A.** Yeah, that's -- I mean, and that box right  
20 next to it says who, who estimated it. So if they  
21 estimated that, and that's what they put. Again, I --  
22 according to the box, to the report, yes. That's what  
23 it means. In the estimated impact, the 15 would mean  
24 that the person who estimated it, estimated it to be at  
25 15 miles per hour on impact.